

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Explorica, Inc.,
Plaintiff(s)

V.

CIVIL ACTION NO. 1:09cv11719-RGS

Elderhostel, Inc. d/b/a Exploritas,
Defendant(s)

ORDER RESETTING CIVIL CASE FOR JURY TRIAL

STEARNS, DJ.

THE ABOVE-CAPTIONED ACTION IS HEREBY SET FOR JURY TRIAL ON February 16, 2010
at 9:00 A.M. IN COURTROOM # 21, JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE, BOSTON,
MA.

ON OR BEFORE February 8, 2010, COUNSEL SHALL FILE ELECTRONICALLY THE FOLLOWING
MATERIALS WITH THE COURT:

1. Any stipulated or admitted facts in a form suitable for presentation to the Court or jury;
2. A list of prospective witnesses, including names, city or town of residence, or business institutional address;
3. An identification by inclusive page and lines of any portions of depositions or interrogatory responses to be offered at trial, and a precise statement of any objections thereto;
4. A "Joint List of Exhibits" as to which there is NO objection, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF NUMBERS, regardless of which party is the proponent of an exhibit (such exhibits are deemed ADMITTED and need NOT be independently offered at trial;
5. A "List of Exhibits to be Offered at Trial", as to which a party reserves the right to object, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF CAPITAL LETTERS, regardless of which party is the proponent of an exhibit;
6. Motions in Limine or other requests regarding foreseeable disputes concerning evidentiary issues, including authority for the ruling requested;
7. A TRIAL MEMORANDUM addressing those items as to which there are foreseeable disputes concerning issues of law;
8. An informed estimate of the probable length of the trial, based on a trial schedule of 9:00 A.M. to 1:00 P.M. daily. In any case exceeding one week's duration, the Court will impose time limits on the parties which will be STRICTLY ENFORCED;
9. In cases to be tried by a jury:
 - A. REQUESTS FOR INSTRUCTIONS WITH CITATION TO SUPPORTING AUTHORITY;
 - B. ANY PROPOSED OR SPECIAL VERDICT QUESTIONS;
 - C. ANY PROPOSED QUESTIONS FOR THE VOIR DIRE EXAMINATION;
 - D. A SUCCINCT AND NEUTRAL STATEMENT SUMMARIZING THE PRINCIPAL CLAIMS AND DEFENSES OF THE PARTIES TO BE READ TO THE VENIRE DURING EMPANELMENT.
10. All trial exhibits must be reclaimed by the end of the first business day following the day of the verdict. This policy is strictly enforced by the Court as there is no space

at the Courthouse to store exhibits after a trial has ended.
Exhibits not reclaimed by counsel will be discarded.

11. A FINAL PRE-TRIAL CONFERENCE will be held by
the Court on FEBRUARY 8, 2010 at 2:15 P.M.

SO ORDERED.

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

BY:

/s/ Terri Seelye

Deputy Clerk

DATED AT BOSTON: January 26, 2010